



OKLAHOMA

Water Resources Board

August 11, 2025

Kaw Nation
Attn: Kimberly Jenkins
698 Grandview Drive
Kaw City, OK 74641

RE: Amend Term Stream Water Permit No. 2024-005, Kaw Nation, Kay County


Dear Mrs. Jenkins:

Your application to amend stream water right 2024-005 has been reviewed by Board staff. In order to obtain a permit, you must provide notice of the essential facts about your intended use by newspaper publication.

In accordance with 82 O.S. 2001, Sec. 105.11, as amended, we have enclosed Notices of Publication to be published at your expense in newspapers qualified to publish legal notices in the county of your point of diversion, Kay County, and the adjacent downstream county, Osage County. The notice must appear in the newspapers once a week for the two consecutive weeks beginning on August 24, 2025 and August 31, 2025. Please send us or have the publishers forward the copy of the Certified Proof of Publications within fifteen (15) days after the last publication date. In addition to notice by publication, a recent decision of the Oklahoma Supreme Court now also requires the enclosed Notices of Application be provided to "known or easily discoverable landowner[s]" who may be directly affected by your application to use stream water. Purcell v. Parker, 2020 OK 83. Once notice has been provided to affected landowners, proof of the same must be supplied to the Board within fifteen (15) days. Because the Board is not responsible for the form, content or accuracy of the enclosed notices, please review the notices and contact this office if you note any errors.

If your application is protested, we will notify you and schedule a hearing. If you have any questions concerning this matter, please contact Sharon Robinson at the address below or call (405) 530-8800.

Sincerely,



Chris Neel, Division Chief
Water Rights Administration Division

NOTE TO PUBLISHER: To be published in Kay County once during the week of August 24, 2025 but no later than August 30, 2025, and once during the week of August 31, 2025 but no later than September 6, 2025, AT APPLICANT'S EXPENSE. (PUBLISHER NEEDS TO FURNISH THE OKLAHOMA WATER RESOURCES BOARD A CERTIFIED PROOF OF PUBLICATION ON OR BEFORE September 22, 2025.)

**NOTICE OF APPLICATION TO AMEND EXISTING USE OF
STREAM WATER**

Notice is hereby given that Kaw Nation c/o Kimberly Jenkins whose address is 698 Grandview Drive, Kaw City, OK 74641 has filed a petition to amend Term Stream Water Permit #2024-005, with the Oklahoma Water Resources Board (Board). The application asks to add a second diversion point on Kaw Lake in the SE NW SE* of Section 4, T26N, R4EIM, Kay County. Also, adding an additional 10 acres* area of use to this amendment and are in the SE NE* of Section 4 T26N, R4EIM, Kay County. This will bring the total acres to 22.* The term 5-year permit authorizes the withdrawal of up to 17.22 acre-feet per year not to exceed 300 gallons per minute for the use of irrigation. All other aspects of the water right will remain the same, as more specifically described in the application, viewable at oklahoma.gov/owrb. Use of stream water is governed by Sections 105.1 and following of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code (OAC), Title 785, Chapter 20.

Protests to the application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than September 29, 2025, and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of Board, OAC Title 785, chapters 4 and 20. If you have any questions, please contact Sharon Robinson at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Water Rights Administration Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriate rights.

NOTE TO PUBLISHER: To be published in Osage County once during the week of August 24, 2025 but no later than August 30, 2025, and once during the week of August 31, 2025 but no later than September 6, 2025, AT APPLICANT'S EXPENSE. (PUBLISHER NEEDS TO FURNISH THE OKLAHOMA WATER RESOURCES BOARD A CERTIFIED PROOF OF PUBLICATION ON OR BEFORE September 22, 2025.)

**NOTICE OF APPLICATION TO AMEND EXISTING USE OF
STREAM WATER**

Notice is hereby given that Kaw Nation c/o Kimberly Jenkins whose address is 698 Grandview Drive, Kaw City, OK 74641 has filed a petition to amend Term Stream Water Permit #2024-005, with the Oklahoma Water Resources Board (Board). The application asks to add a second diversion point on Kaw Lake in the SE NW SE* of Section 4, T26N, R4EIM, Kay County. Also, adding an additional 10 acres* area of use to this amendment and are in the SE NE* of Section 4 T26N, R4EIM, Kay County. This will bring the total acres to 22.* The term 5-year permit authorizes the withdrawal of up to 17.22 acre-feet per year not to exceed 300 gallons per minute for the use of irrigation. All other aspects of the water right will remain the same, as more specifically described in the application, viewable at oklahoma.gov/owrb. Use of stream water is governed by Sections 105.1 and following of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code (OAC), Title 785, Chapter 20.

Protests to the application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than September 29, 2025, and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of Board, OAC Title 785, chapters 4 and 20. If you have any questions, please contact Sharon Robinson at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Water Rights Administration Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights.

AFFIDAVIT OF NOTIFICATION

I hereby certify that I, _____, of application number 2024-005 have provided notice as required by law, Board rules, and Purcell v. Parker, 2020 OK 83:

- by publishing notice in a daily or weekly newspaper of general circulation once a week for two consecutive weeks; and
- providing personal notice by certified mail or other acceptable means of personal service to known or reasonably discoverable landowner(s) who may be directly affected by my application.

List below the names and addresses of all individuals and entities that were provided notice*. (Additional sheets may be attached as needed.)

*Leaving this section blank may indicate that notice was insufficient and may delay the permitting process.

Applicant's Signature

Subscribed and sworn to before me this
____ day of _____, 20 ____

Notary Public Signature

[seal]

My Commission Expires

NOTICE PROVIDED VIA CERTIFIED MAIL OR PERSONAL SERVICE

**NOTICE OF APPLICATION TO AMEND EXISTING USE OF
STREAM WATER**

Notice is hereby given that Kaw Nation c/o Kimberly Jenkins whose address is 698 Grandview Drive, Kaw City, OK 74641 has filed a petition to amend Term Stream Water Permit #2024-005, with the Oklahoma Water Resources Board (Board). The application asks to add a second diversion point on Kaw Lake in the SE NW SE* of Section 4, T26N, R4EIM, Kay County. Also, adding an additional 10 acres* dedicated to this amendment and are in the SE NE* of Section 4 T26N, R4EIM, Kay County. This will bring the total acres to 22.* The term 5-year permit authorizes the withdrawal of up to 17.22 acre-feet per year not to exceed 300 gallons per minute for the use of irrigation. All other aspects of the water right will remain the same, as more specifically described in the application, viewable at oklahoma.gov/owrb. Use of stream water is governed by Sections 105.1 and following of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code (OAC), Title 785, Chapter 20.

Protests to the application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than September 29, 2025, and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of Board, OAC Title 785, chapters 4 and 20. If you have any questions, please contact Sharon Robinson at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Water Rights Administration Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights.

RECEIVED

JUL 14 2025

OKLAHOMA WATER
RESOURCES BOARD

APPLICATION FOR AN AMENDMENT TO A STREAM WATER PERMIT OR VESTED RIGHT

Check #141169 \$400.00

ATTN: Jacob H

OKLAHOMA WATER RESOURCES BOARD
WATER RIGHTS ADMINISTRATION DIVISION
3800 North Classen Blvd., Oklahoma City, OK 73118
Phone: (405) 530-8800 Fax: (405) 530-8900
Website: <https://oklahoma.gov/owrb.html>
(See website for FAQs)

FILING FEE

Application review will not begin until the proper filing fee is received.
Double the filing fee if water is used before application approval.

Filing Fee..... \$400.00*

* Plus \$250.00 if water is to be diverted from a scenic river or outstanding resource water. Applications for the purpose of enhanced recovery of oil and gas shall have a flat filing fee of \$4,500.00

OFFICE USE ONLYPurposes: Irrigation 17.22 ac. ft.

_____ ac. ft.

Acres Irrigated: 12 old acres+ 10 new acres = 22 acresNumber of Diversion Points: 1 old DP + 1 new DP = 2 DPsRate of Withdrawal: 300 g.p.m.**OFFICE USE ONLY**Permit No. 2024-005Permit Type TermStream System No. 2-12Reservoir Name Kaw LakeHUC No. 11060001

1. NAME & CONTACT INFORMATION Print the applicant's name to exactly match what is listed on the ownership document.
Consultants and legal counsel should provide a cover letter with contact information and state if they will remain the contact after permit approval.

Applicant Name Kaw Nation Phone (580) 269-2552Mailing Address 698 Grandview Dr. City Kaw City State OK Zip 74641Email Chair@KawNation.gov Fax (580) 269-2301Contact Name (if different than applicant) Kimberly Jenkins Phone () -Mailing Address Same City _____ State _____ Zip _____

Email _____ Fax () -

How should correspondence be sent during application review? Check all that apply: ☐ Postal Mail ☐ Email ☐ Fax

2. TYPE OF AMENDMENT Write the permit number and check each type of change to be made to the permit. If land ownership has changed since the permit was originally approved, then a Petition to Transfer Ownership will be required before an amendment can proceed. Forms are found on the OWRB's website. Use of water in southeastern Oklahoma must follow the Water Settlement Agreement viewable at <https://www.waterunityok.com/>.

Stream Water Permit or Vested Right # 2024-005**Identify the parts of the permit to be changed:**

- ☐ Purposes (complete Sections 3, 6, 9, 10, and 11)
☒ Diversion Points (complete Sections 4, 8, 9, 10, and 11)
☒ Area of Use (complete Sections 5, 8, 9, 10, and 11)
☐ Rate of Withdrawal (complete Sections 7, 9, 10, and 11)

OFFICE USE ONLY
SIC Codes

| | |
|--|--|
| | |
| | |
| | |
| | |

3. QUANTITY OF WATER & PURPOSE Identify the purpose to be added and the quantity of water assigned to it. Choose purposes (i.e. beneficial use) from the following list: Irrigation, Agriculture, Mining, Public Water Supply, Commercial, Industrial, Power Generation, Recreation Fish & Wildlife, and Other. A description can be helpful and may be required to complete application review. Non-consumptive uses and consumptive uses cannot be included on the same application. Answer the questions and provide the requested information for each. Conversion factor: one acre-foot of water will cover one acre of land one foot deep and is equal to 325,851 gallons. If additional space is needed, list on a separate sheet of paper.

RECEIVED

JUL 14 2025

OKLAHOMA WATER
RESOURCES BOARD

Purpose of _____ allocate _____ acre-feet per year.
(e.g. Irrigation; Mining – Oil & Gas; Recreation – Flood a Wetland for Hunting)

Identify the purpose and an equivalent amount of water you are decreasing. If removing purposes, write as 0 acre-feet per year.

Purpose of _____ decreases to _____ acre-feet per year.
(e.g. Irrigation; Mining – Oil & Gas; Recreation – Flood a Wetland for Hunting)

Have you already used the water for which you are applying? ☐ Yes ☐ No If yes, double the filing fee will be required.

Will water be sold? ☐ Yes ☐ No If yes, list the purchaser: _____
(not required for public water suppliers)

Will animals be raised? ☐ Yes ☐ No If yes, list: _____
(not required for domestic use of stock water)

Will crops be grown? ☐ Yes ☐ No If yes, approximate area of watered crops: _____ and;
(use units of acres for fields or square feet for indoor)

List of crops: _____
Specify both primary and cover crops if applicable (e.g. Primary crops – corn, soybeans, sorghum; Cover crops – winter wheat)

4. DIVERSION OF WATER List legal description down to a ten acre tract for all diversion points to be added or removed. Provide the requested information for method of diversion and source of water. If additional space is needed, list on a separate sheet of paper. An explanation of legal descriptions can be found on the OWRB website FAQs page. All diversion points must be drawn on the application plat map.

Diversion points to be added:

SE 1/4 of NW 1/4 of SE 1/4 of Section 4 Twp. 26 ☒ N ☐ S OS Rng. 4 ☒ EIM ☐ WIM in Kay County
☐ ECM

Diversion points to be deleted:

_____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ☐ N ☐ S OS Rng. _____ ☐ EIM ☐ WIM in _____ County
☐ ECM

Method of Diversion Check one: ☒ Gas/Electric Pump ☐ Gravity ☐ Non-Consumptive (water is not pumped or moved)

Source of Water Check all that apply. Provide the name of the source of water with a description. Provide dam information (if applicable).

☐ River or Creek ☒ Reservoir, Lake, or Pond ☐ NRCS Flood Control Structure (formerly SCS)

Name & Description: Kaw Lake
(e.g. Panther Creek; Farm Pond on Unnamed Tributary of Washita River; Oologah Reservoir; SCS East Winter Site #16)

For all dams/impoundments: ☐ Planned ☐ Under Construction ☒ Existing (Date Completed: 1976)

Surface Area: 17,040 acres Storage: 273,753 acre-feet

For dams/impoundments where water is stored above natural grade:

Dam Height (natural grade to top of dam): 121 feet

Normal Storage (at principal spillway): 428,600 acre-feet

Maximum Storage (at top of dam): 506,761 acre-feet

RECEIVED

JUL 14 2025

OKLAHOMA WATER
RESOURCES BOARD

5. AREA OF USE List the legal description of the area in which the water will be used or no longer used. Municipalities and rural water districts should provide a map of service area and water lines. Do not use city lot and block numbers or metes and bounds. If additional space is needed, list on a separate sheet of paper. An explanation of legal descriptions can be found on the OWRB website FAQs page. Area of use must be drawn on the application plat map.

Area of use to be added:

10 acres in 1/4 of SE 1/4 of NE 1/4 of Section 4 Twp. 26 ~~ON~~ S Rng. 4 ~~OEIM~~ WIM in Kay County
 _____ acres in _____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ~~ON~~ S Rng. _____ ~~OEIM~~ WIM in _____ County
 _____ ~~ON~~ S Rng. _____ ~~OEIM~~ WIM in _____ County
 _____ ~~OEIM~~ WIM in _____ County
 _____ ~~OEIM~~ WIM in _____ County
 _____ ~~OEIM~~ WIM in _____ County

Area of use to be deleted:

_____ acres in _____ 1/4 of _____ 1/4 of _____ 1/4 of Section _____ Twp. _____ ~~ON~~ S Rng. _____ ~~OEIM~~ WIM in _____ County
 _____ ~~ON~~ S Rng. _____ ~~OEIM~~ WIM in _____ County
 _____ ~~OEIM~~ WIM in _____ County

6. JUSTIFICATION OF PRESENT AND FUTURE NEED If adding purposes (i.e. beneficial uses) or water to a purpose from Section 3, check all that apply and read the description next to each. Attach a separate justification as necessary.

- ☐ **Agriculture (e.g. poultry houses, feedlots, aquaculture, greenhouses, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. For animal operations make sure to specify how many of each type of animal is raised per year and their water requirements. For greenhouses make sure to specify the quantity of each type of plant grown per year, their water requirements, length of growing season, and how many grows are completed per year.
- ☐ **Commercial:** Submit methodology, calculations, and additional information used to determine the amount of water requested.
- ☐ **Industrial (e.g. manufacturing):** Submit methodology, calculations, and additional information used to determine the amount of water requested.
- ☐ **Irrigation (e.g. crops in a field):** Completion of Section #3 serves as your justification for irrigation of common crops grown in Oklahoma. The Board will use appropriate publications as well as take into consideration any information submitted by the applicant in determining the amount of water needed. If multi-cropping, please attach a separate rotation schedule.
- ☐ **Mining (e.g. oil & gas, quarries, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. For oil & gas operations make sure to specify the following: 1) what the water will be used for (e.g. hydraulic fracturing), 2) how many separate wells will be provided water, and 3) how many barrels or gallons of water are needed for each well (42 gallons = 1 barrel).
- ☐ **Other:** Submit methodology, calculations, and additional information used to determine the amount of water requested. Make sure to provide a statement with enough detail to clearly describe the proposed use of water.
- ☐ **Power Generation (e.g. hydroelectric dams, natural gas plants, wind turbines, etc.):** Submit methodology, calculations, and additional information used to determine the amount of water requested. A schedule of use based on population growth in the specific area served may also be submitted.
- ☐ **Public Water Supply (e.g. municipal or rural water systems, schools, hospitals, etc.):** Submit population projection figures and other methodologies, calculations, and additional information used to determine the amount of water requested. A map showing water lines and the service area is required of municipalities and rural water systems and must show points of reference or scale. A schedule of use based on population growth in the specific area served may also be submitted.
- ☐ **Recreation Fish & Wildlife:** Submit methodology, calculations, and additional information used to determine the amount of water requested. For flooding a wetland, provide the wetland dimensions and the amount and frequency of flooding.

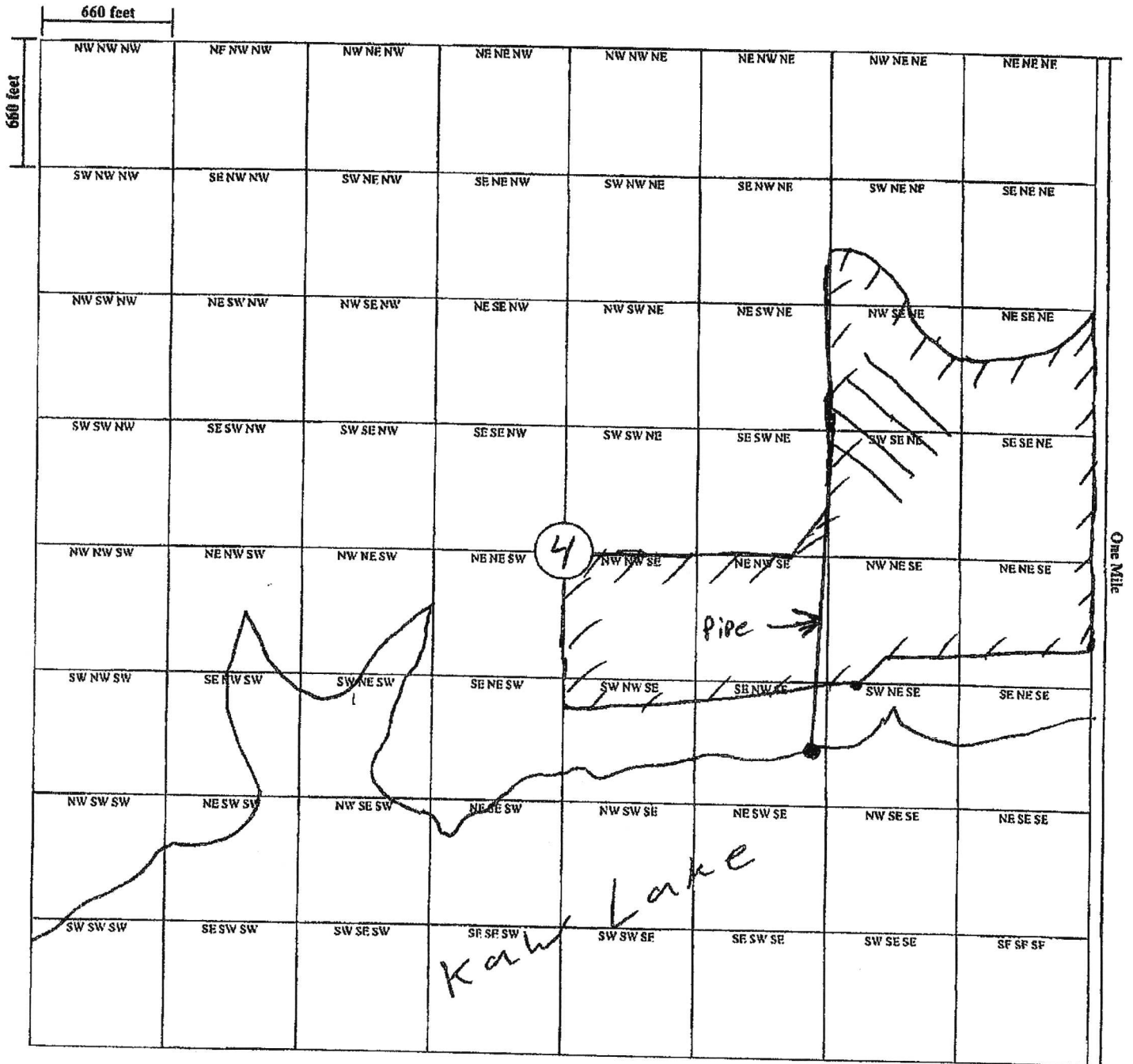
7. MAXIMUM RATE OF WITHDRAWAL

The maximum pumping rate is requested to be changed to _____ gallons per minute.

8. **PLAT MAP** Follow the instructions on the preceding page unless otherwise directed by the Board. Drawings must match the legal description of diversion points and area of use described in Section 4 and 5 of the application. More than one plat map may be required.

Permit No. ~~2024-005~~ 2024-005

RECEIVED
JUL 14 2025
OKLAHOMA WATER
RESOURCES BOARD



4 - 26N - 4E1M
Section - Township - Range

Kay
County



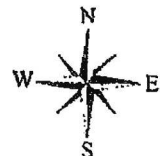
Land Owned or
Leased



Area of Use



Point of Diversion



10. SIGNATURES

Upon my oath or affirmation, I swear or affirm (1) that all information submitted to the Oklahoma Water Resources Board in connection with this application is true and accurate to the best of my knowledge; and (2) that I or the person or entity I represent will comply with all applicable laws and regulations of the State of Oklahoma or its agencies, and any lawful conditions imposed by the Oklahoma Water Resources Board, which apply or pertain to the use of fresh stream water.

RECEIVED
JUL 14 2025
OKLAHOMA WATER
RESOURCES BOARD

Kimberly Jenkins
SIGNATURE OF APPLICANT
Kimberly Jenkins
PRINTED NAME
Chair of Kaw Nation
TITLE (e.g. owner, manager, trustee, legal counsel, etc.)

OKLAHOMA BAR ASSOCIATION NUMBER
(IF APPLICABLE)

NOTARY

STATE OF Oklahoma)
COUNTY OF Kay) ss.

The foregoing instrument was acknowledged before

me this 14th day of July, 20 25.

Ida R. Williams
Notary Public Signature

My commission expires: 12-11-2028

(SEAL)



11. SUBMISSION AND PROCESSING

The submitted application packet must include the following:

a. Original completed application (Typed or printed in ink, with legible markings, signed and notarized.);

b. Filing fee payment (Review of the application will not begin until the filing fee is received. Filing fees are refunded at the discretion of the OWRB. Preferred payment method is a check payable to the OWRB. Other payment methods include cash, money order, or credit card via the OWRB Website Pay Portal – please provide a copy of the Pay Portal receipt. If water is used before application approval, double the filing fee will be required.);

c. Ownership documents (Copies of deeds, leases, easements, rights-of-access, and/or other letters of consent for all the land owned/controlled by the applicant associated with the application. Tax documents are not accepted. Social security numbers are not required and should be marked out on documents that contain them.)

d. Any other documentation requested by OWRB staff as necessary (Articles of organization or incorporation, memorandum of trust, license or registration from OMMA or ODAFF, contract for water sales, etc.).

Please note: Any incomplete or unresponsive answers may cause a delay in the processing of your application.

All stream water permits issued by the Board contain a condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights. If the full amount of water is not able to be used within the first seven (7) years after permit approval, please contact Board staff to discuss possible options, such as submitting a schedule of use. In addition, Oklahoma Administrative Code (OAC) 785:20-3-9 states: (a) "Upon filing of an application that is defective as to form or unsatisfactory as to feasibility or safety of the plan or as to the showing of the ability of the applicant to carry the construction to completion, the Board shall advise applicant of the correction, amendments, or changes required, and sixty (60) days from the date the Board so advises shall be allowed for the filing thereof. [82:105.10]" (b) "Any corrected application filed after the time allowed in (a) of this Section shall be treated in all respects as a new application on the date of its refiling [82:105.10] and the original priority date of filing shall be lost." (c) "If an applicant does not correct an application or publish notice as instructed by the Board, and no further proceedings are initiated by the applicant for six months or more after last contact with the Board, the application shall be deemed withdrawn. The Board shall provide notice to the applicant that the application has been deemed withdrawn."